

PETER C. ANDERSON
UNITED STATES TRUSTEE
JILL M. STURTEVANT, State Bar No. 089395
ASSISTANT UNITED STATES TRUSTEE
KENNETH G. LAU, State Bar No. 155314
TRIAL ATTORNEY
OFFICE OF THE UNITED STATES TRUSTEE
915 Wilshire Blvd, Suite 1850
Los Angeles, CA 90017-3560
(213) 894-4480 telephone
(213) 894-2603 facsimile
Email: *Kenneth.G.Lau@usdoj.gov*

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re:	)	Case No.: 2:17-bk-11972 RK
)	
	)	Chapter 7
BEVERLY MONIQUE MURRAY-)	
CALCOTE,	)	Adv. No.: 2:17-ap-01487 RK
)	
Debtor(s).	)	DECLARATION OF TRIAL ATTORNEY
	)	KENNETH G. LAU PURSUANT TO LBR
	)	7016-1 IN SUPPORT OF UNILATERAL
UNITED STATES TRUSTEE FOR THE	)	STATUS REPORT
CENTRAL DISTRICT OF CALIFORNIA,)	
REGION 16,	)	<u>Initial Status Conference Hearing:</u>
	)	Date: November 28, 2017
Plaintiff(s),	)	Time: 1:30 p.m.
	)	Courtroom 1675
vs.	)	255 East Temple Street
	)	Los Angeles, CA 90012
BEVERLY MONIQUE MURRAY-)	
CALCOTE, aka OKECHUKWU OBIOMA)	
UKAEGBE, aka OBIOMA UKAEGBE, aka)	
OBIOAMA OKECHUKW UKAEGBE,)	
)	
Defendant(s).)	

Attached hereto as Exhibit "1" is a copy of the Declaration of Trial Attorney Kenneth G. Lau pursuant to Local Bankruptcy Rule 7016-1 in support of Plaintiff U.S. Trustee's Unilateral Status Report served and filed concurrently herewith.

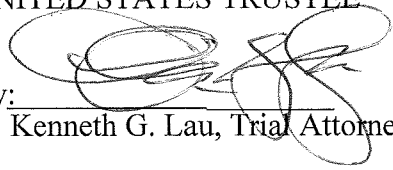
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1 RESPECTFULLY SUBMITTED:

2 Dated: November 24, 2017

PETER C. ANDERSON
UNITED STATES TRUSTEE

3
4 By: 
Kenneth G. Lau, Trial Attorney

DECLARATION OF KENNETH G. LAU

I, KENNETH G. LAU, declare the following:

1. Plaintiff is the United States Trustee for the Central District of California, Region 16. I am employed as a Trial Attorney by the Office of the United States Trustee for the Central District of California (hereinafter "Plaintiff" or "U.S. Trustee"). I have personal knowledge of the facts set forth herein, and based on that personal knowledge, I assert that all facts are true and correct to the best of my knowledge.

2. On September 27, 2017, the Plaintiff U.S. Trustee filed a "Complaint For Denial of Debtor's Discharge Pursuant to 11 U.S.C. § 727" ("UST Adversary"), adversary number 2:17-ap-01487 RK, in the Chapter 7 case of Beverly Monique Murray-Calcote, Case number 2:17-bk-11972 RK.

3. On September 28, 2017, the Court issued the Summons and Notice of Status Conference as well as its Order Setting Procedures for Adversary Proceeding Status Conferences for the UST Adversary.

4. On September 28, 2017, Plaintiff filed a "Proof of Service re: Summons and Notice of Status Conference; Notice Of Required Compliance With Federal Rule Of Bankruptcy Procedure 7026 And Local Bankruptcy Rule 7026-1 and Complaint for Denial of Discharge pursuant to 11 U.S.C. § 727(a)(4)(A) and (D)," showing that Plaintiff served Defendant BEVERLY MONIQUE MURRAY-CALCOTE ("Defendant") with the Complaint and Executed Summons on said date at Defendant's listed address – 3166 West Ave, M-2, Lancaster, California 93536; as well as upon her bankruptcy counsel, Julie J. Villalobos of Oak Tree Law.

5. Pursuant to the Summons and Notice of Status Conference, Defendant had until October 30, 2017 to timely file an Answer or other responsive pleading.

6. On October 30, 2017, Defendant through her present bankruptcy counsel at Oak Tree Law, timely filed an Answer.

7. Following the service of Defendant's Answer and my review thereof, I have communicated with Defendant's counsel, particularly Julie J. Villalobos, Larry Fieselman and Christina Kim, via email and telephone, and have completed the initial stages of our Initial Meeting

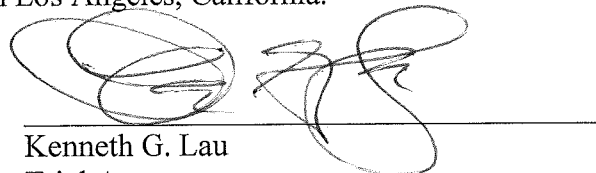
1 of Counsel under Local Bankruptcy Rule 7016-1. The parties, through counsel, have exchanged
2 formal settlement/resolution proposals and proposed documentation of same, but to date have not
3 yet come to any mutual agreement. To date, the parties have not yet completed the initial exchange
4 of documents.

5 8. Given the parties' inability to fully resolve this matter, on Tuesday, November 21,
6 2017, I memorialized the status of the parties' discussions as well as the Plaintiff's projected
7 discovery efforts and related motions, and the need for and scope of extensive deposition testimony
8 from the Debtor, her non-filing spouse and other related third-party witnesses regarding the
9 previously-omitted business interests and testamentary trust interests. I have been unsuccessfully
10 attempting since then to obtain the input and signature of Defendant's counsel on the proposed Joint
11 Status Report.

12 9. Based thereon, I am filing this instant Unilateral Status Report at present in advance
13 of the Status Conference hearing scheduled for November 28, 2017 at 1:30 p.m..

14 I declare under penalty of perjury that the foregoing facts are true and correct.

15 Executed on November 24, 2017, in Los Angeles, California.

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17 Kenneth G. Lau
18 Trial Attorney
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Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address PETER C. ANDERSON UNITED STATES TRUSTEE JILL M. STURTEVANT, State Bar No. 089395 ASSISTANT UNITED STATES TRUSTEE KENNETH G. LAU, State Bar No. 155314 TRIAL ATTORNEY OFFICE OF THE UNITED STATES TRUSTEE 915 Wilshire Boulevard, Suite 1850 Los Angeles, California 90017 (213) 894-4480 telephone (213) 894-2603 facsimile Kenneth.G.Lau@usdoj.gov <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Plaintiff United States Trustee	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION	
In re: Beverly Monique Murray-Calcite, <div style="text-align: right;">Debtor(s).</div>	CASE NO.: 2:17-bk-11972 RK ADVERSARY NO.: 2:17-ap-01487 RK CHAPTER: 7
United States Trustee for the Central District of California, Region 16, <div style="text-align: right;">Plaintiff(s).</div> <div style="text-align: center;">vs.</div> Beverly Monique Murray-Calcite, <div style="text-align: right;">Defendant(s).</div>	<div style="text-align: center;"> UST UNILATERAL STATUS REPORT [LBR 7016-1(a)(2)] </div> <div style="margin-top: 10px;"> DATE: 11/28/2017 TIME: 1:30 p.m. COURTROOM: 1675 ADDRESS: 255 E. Temple Street, Los Angeles, CA 90012 </div>

The parties submit the following JOINT STATUS REPORT in accordance with LBR 7016-1(a)(2):

A. PLEADINGS/SERVICE:

- | | | |
|---|---|--|
| 1. Have all parties been served with the complaint/counterclaim/cross-claim, etc. (Claims Documents)? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Have all parties filed and served answers to the Claims Documents? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Have all motions addressed to the Claims Documents been resolved? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 4. Have counsel met and conferred in compliance with LBR 7026-1? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

5. If your answer to any of the four preceding questions is anything other than an unqualified "YES," please explain below (*or on attached page*):
- The parties, through counsel, are continuing to meet and confer regarding the issues involved and beginning the exchange of available documents, but also to attempt to resolve the pending adversary without the need for further formal litigation of the underlying issues contested between the U.S. Trustee and the individual Debtor/ Defendant here.

B. READINESS FOR TRIAL:

1. When will you be ready for trial in this case?
- | | |
|------------------|------------------|
| <u>Plaintiff</u> | <u>Defendant</u> |
| June 2018 | |
2. If your answer to the above is more than 4 months after the summons issued in this case, give reasons for further delay.
- | | |
|---|------------------|
| <u>Plaintiff</u> | <u>Defendant</u> |
| Discovery will include depositions of Defendant, her non-filing spouse, multiple 3rd parties involved with Bobbye J. Rives Trust and Defendant's businesses | |
3. When do you expect to complete your discovery efforts?
- | | |
|------------------|------------------|
| <u>Plaintiff</u> | <u>Defendant</u> |
| May 2018 | |
4. What additional discovery do you require to prepare for trial?
- | | |
|--|------------------|
| <u>Plaintiff</u> | <u>Defendant</u> |
| Full completion of document production previously requested, related interrogatories and admissions; and depositions of persons involved and identified in other discovery | |

C. TRIAL TIME:

1. What is your estimate of the time required to present your side of the case at trial (*including rebuttal stage if applicable*)?
- | | |
|------------------|------------------|
| <u>Plaintiff</u> | <u>Defendant</u> |
| 2 days | |
2. How many witnesses do you intend to call at trial (*including opposing parties*)?
- | | |
|------------------|------------------|
| <u>Plaintiff</u> | <u>Defendant</u> |
| 4-10 | |

3. How many exhibits do you anticipate using at trial?

Plaintiff

Defendant

50-100

D. PRETRIAL CONFERENCE:

A pretrial conference is usually conducted between a week to a month before trial, at which time a pretrial order will be signed by the court. [See LBR 7016-1.] If you believe that a pre-trial conference is not necessary or appropriate in this case, please so note below, stating your reasons:

Plaintiff

Pretrial conference ☒ is ☐ is not requested
Reasons:

Defendant

Pretrial conference ☐ is ☐ is not requested
Reasons:

Plaintiff

Pretrial conference should be set after:
(date) 05/16/2018

Defendant

Pretrial conference should be set after:
(date) _____

E. SETTLEMENT:

1. What is the status of settlement efforts?

Parties, through counsel, are actively discussing potential full resolution of the adversary action.

2. Has this dispute been formally mediated? ☐ Yes ☒ No
If so, when?

3. Do you want this matter sent to mediation at this time?

Plaintiff

☐ Yes ☒ No

Defendant

☐ Yes ☐ No

F. FINAL JUDGMENT/ORDER:

Any party who contests the bankruptcy court's authority to enter a final judgment and/or order in this adversary proceeding must raise its objection below. Failure to select either box below may be deemed consent.

Plaintiff

☒ I do consent

☐ I do not consent

to the bankruptcy court's entry of a final judgment and/or order in this adversary proceeding.

Defendant

☐ I do consent

☐ I do not consent

to the bankruptcy court's entry of a final judgment and/or order in this adversary proceeding.

G. ADDITIONAL COMMENTS/RECOMMENDATIONS RE TRIAL: (Use additional page if necessary)

Respectfully submitted,

Date: 11/24/17

United States Trustee, Central District of California

Printed name of law firm

Signature

Kenneth G. Lau

Printed name

Attorney for: Plaintiff United States Trustee

Date: _____

Printed name of law firm

Signature

Printed name

Attorney for: _____

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy of the foregoing document entitled: **JOINT STATUS REPORT [LBR 7016-1(a)(2)]** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (date) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date

Printed Name

Signature

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

Office of the U.S. Trustee, 915 Wilshire Boulevard, Suite 1850, Los Angeles, California 90017-3560

A true and correct copy of the foregoing document entitled (*specify*):

Declaration Of U.S. Trustee Trial Attorney Kenneth G. Lau Pursuant to LBR 7016-1 In Support of Unilateral Status Report

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 11/24/17, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

SEE ATTACHED SERVICE LIST (IF APPLICABLE)

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL: On (date) 11/27/17, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

SEE ATTACHED SERVICE LIST (IF APPLICABLE)

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) 11/24/17, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

SEE ATTACHED SERVICE LIST (IF APPLICABLE)

☒ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

11/24/17
Date

Lawrence Pleasant
Print Name

/s/ Lawrence Pleasant
Signature

ADDITIONAL SERVICE INFORMATION

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")**

<u>Name</u>	<u>Capacity</u>	<u>Email Address</u>
Kenneth G. Lau	U.S. Trustee Trial Attorney	Kenneth.G.Lau@usdoj.gov
Julie J Villalobos	Debtor's Counsel	julie@oaktreelaw.com, oakecfmail@gmail.com; r51108@notify.bestcase.com
United States Trustee (LA)		ustpreion16.la.ecf@usdoj.gov

SEE NEF FOR CONFIRMATION OF ELECTRONIC TRANSMISSION TO THE U.S. TRUSTEE AND ANY TRUSTEE IN THIS CASE, AND TO ANY ATTORNEYS WHO RECEIVE SERVICE BY NEF.

2. **SERVED BY U.S. MAIL**

Debtor:

Beverly Monique Murray-Calcote
3166 West Ave M-2
Lancaster CA 93536

3. **SERVED BY (state method for each person served):**

FEDERAL EXPRESS OVERNIGHT MAIL

Judge's Copy

The Honorable Robert Kwan
U.S. Bankruptcy Court
255 E. Temple Street, Room 940
Los Angeles, CA 90012
Attn: Mail Room Clerk-Judges Copies

PERSONAL DELIVERY, FACSIMILE OR EMAIL

Not Applicable